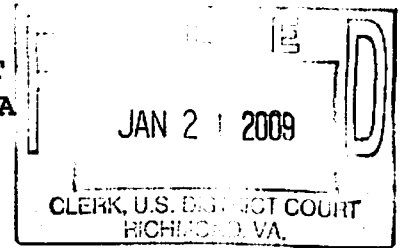


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



KEITH MCDONALD,

Plaintiff,

v.

Civil Action No. 3:08CV29

H. LEE HART,

Defendant.

FINAL ORDER

In accordance with the accompanying Memorandum Opinion, it is hereby ORDERED that:

1. The Report and Recommendation is ACCEPTED AND ADOPTED;
2. The action is DISMISSED; and,
3. The Clerk is DIRECTED to note the disposition of the action for purposes of 28 U.S.C. § 1915(g).

McDonald may appeal the decision of the Court. Failure to file written notice of appeal within thirty (30) days of the date of entry hereof may result in the loss of the right to appeal.

The Clerk is DIRECTED to send a copy of the Order to McDonald.

And it is so ORDERED.

/s/ REP  
Robert E. Payne  
Senior United States District Judge

Date: January 19, 2009  
Richmond, Virginia